

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

David James Jannetta,

Civil No. 05-2831 (DWF/RLE)

Plaintiff,

v.

ORDER

Candy Adamczak, Barbara Overland,
Lydia Newlin, Jeremy Britzius,
Dean Paulson, Gordy Abrahamson,
Terry Carlson, Michael Hatch,
Joan Fabian, Jean Rudebeck, and
Paul Mickelson, et al.,

Defendants.

David James Jannetta, *Pro Se*, Plaintiff.

Based upon the Report and Recommendation of Chief United States Magistrate Judge Raymond L. Erickson, and after an independent review of the files, records and proceedings in the above-entitled matter, it is --

ORDERED:

1. That Plaintiff's application for leave to proceed *in forma pauperis* (Doc. No. 2) is

DENIED, as moot.

2. That the Plaintiff's Complaint is summarily **DISMISSED, BUT WITHOUT**

PREJUDICE, pursuant to Title 28 U.S.C. § 1915A(b)(1).

3. That the Plaintiff is relieved of paying the Court filing fee that would otherwise be due

from him.

4. That, while the action is dismissed without prejudice, the action not be counted as a "strike" for purposes of Title 28 U.S.C. § 1915(g).

Dated: January 12, 2006

s/Donovan W. Frank
DONOVAN W. FRANK
Judge of United States District Court